

# **Exhibit A**

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March 14, 2018

*Via Electronic Mail*

Brian T. Ross, Esq.  
Gibbs & Bruns LLP  
1100 Louisiana  
Suite 5300  
Houston, TX 77002

Britt M. Miller, Esq.  
Mayer Brown  
71 South Wacker Drive  
Chicago, IL 60606

Re: *Authenticom, Inc. v. CDK Global, LLC and The Reynolds and Reynolds Company*

Dear Britt and Brian:

Now that the Court has lifted the partial discovery stay – leaving in place only the stay on oral discovery – I write regarding the status of Defendants’ non-custodial (which were never subject to a stay) and custodial (which were subject to the stay) document productions.

**Non-Custodial.** With respect to non-custodial document productions, we have been asking for over three months for the productions of basic sets of information that Defendants have agreed to produce. *See Letter from M. Nemelka to B. Miller and B. Ross (Dec. 7, 2017).* After Judge Peterson entered the partial stay of discovery, I again wrote to you regarding the production of these basic sets of non-custodial documents. *See Letter from M. Nemelka to B. Miller and B. Ross (Jan. 19, 2017).* As I wrote on January 19th, such documents include: (1) DMS and RCI/3PA pricing and financial information (expenses, costs, profits, projections); (2) centrally maintained documents related to the February 2015 agreements, including drafts of the agreements, documents implementing the agreements, letters to dealer and vendor clients regarding the agreements, and so forth; (3) dealer, vendor, integration, wind-down, and other agreements that Defendants have agreed to produce; and (4) documents regarding Defendants’ whitelisting usernames and passwords for data integrators (including each other, whether pursuant to the wind-down agreement or otherwise). *Id.* I noted that these “are just examples of the non-custodial documents that Defendants should be producing now.” *Id.* I also noted that “[o]ur experts need these and the other agreed-to documents.” *Id.*

In response to my January 19th letter, Britt wrote: “Like Reynolds, CDK has every intention of making progress in discovery during the pendency of the partial stay.” *See Letter from B. Miller to M. Nemelka (Jan. 22, 2018).* And yet, two months later, Defendants still have not produced the non-custodial documents identified in my prior letters and needed by our experts. Instead, at the initial MDL hearing with Judge St. Eve, Defendants tried to use their failure to produce such documents to their advantage, arguing with respect to the status of discovery that the documents they had produced so far were merely reproductions of documents previously produced to the FTC. It is now time for Defendants to produce the requested and agreed-to documents.

Given the length of time we have been asking for these documents – and Defendants have been promising to produce them – we must ask for a date by when Defendants will complete their non-custodial document discovery (let alone produce the limited categories documents identified above). Could you please let us know when Defendants will complete their non-custodial discovery? And when will Defendants complete the production of the categories of documents identified above, especially the full pricing and financial information?

As to documents produced to the FTC, could you please let us know of the status of the reproductions of those documents to Authenticom? Are Defendants up-to-date in those reproductions?

**Custodial Discovery.** As to custodial discovery, please let us know when you will produce the custodial files – using the search terms we have agreed to – for agreed-to custodians. As a reminder, those custodians are (and please correct us if we have left anyone off):

CDK custodians:

- |   |  |
|---|--|
| 1. Anenen, Steven<br>2. Ayotte, Elizabeth<br>3. Bihner, Joe<br>4. Conver, Leigh Ann<br>5. Crutchfield, Dean<br>6. Distelhorst, Kevin<br>7. French, Steven<br>8. Frey, Ron<br>9. Gardner, Howard | 10. Imowitz, Mark<br>11. Karp, Robert<br>12. McCray, Dan<br>13. Noser, Michael<br>14. Nosick, Jeff<br>15. Thorne, Malcom<br>16. Workman, Ron<br>17. Traucht, Jesse |
|---|--|

Reynolds custodians:

- |  |   |
|--|---|
| 1. Bates, Dave<br>2. Boughan, Tim<br>3. Brockman, Robert<br>4. Farley, Will<br>5. Grabill, Chris<br>6. Hahn, Michael | 7. Hall, Kelly<br>8. Hellyer, Chris<br>9. Lamb, Ronald<br>10. Martin, Jon<br>11. Maurer, Joel<br>12. Roadhouse, Dan |
|--|---|

13. Schaefer, Robert  
14. Schwartz, Thomas  
15. Thornhill, Ed

16. Bruce, Larry  
17. Jeff Wonderly

We would request a prompt response to the questions in this letter. We also request a meet-and-confer this Friday so that we can discuss the same. Would 10:00 a.m. ET or 2:00 p.m. ET work for you? If not, please propose an alternative time that would work.

Very truly yours,  
*s/ Michael N. Nemelka*  
Michael N. Nemelka